REMARKS

Claims 12, 13, 15-17, 21-23 and 27 have been canceled without prejudice. Claims1-9, 11, 14, 18-20, 24-26, 28 and 29 are thus currently pending in this application. Claims 1, 14, 18 and 24-26 have been amended. No new matter has been added by these amendments.

Claim Rejections Under 35 U.S.C. §103

Claims 1-9, 11, 15, 19-21, 25-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,445,295 to Brown in view of U.S. Patent No. 4,528,643 to Freeny, Jr. Claims 1, 12-14, 16, 18, 21, 22 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown in view of Freeny, Jr. and further in view of U.S. Patent No. 5,339,250 to Durbin.

Claim 1 has been amended to incorporate the recitations of claims 12 and 13. Although claim 13 was rejected over Brown in view of Freeny, Jr. in view of Durbin, applicant submits that neither Brown, Freeny, Jr. or Durbin, either alone or in combination, teach or suggest a method of providing media to a plurality of in-room systems from a head-end system remote from the plurality of in-room systems that includes storing a plurality of acquisition media at each of the in-room systems; sensing the removal of one of the acquisition media at the in-room system; upon sensing the removal of one of the acquisition media, activating a check-out timer and storing an acquisition signal encoded with a room identifier and a media acquisition identifier at the in-room system; monitoring the in-room system for the return of the removed acquisition media; and if the media is not returned within the check-out time allotted, transmitting the acquisition signal to the head-end system and processing the acquisition signal to determine any charge associated with the acquisition.

In view of the foregoing, Applicant submits that the combination of Brown, Freeny, Jr. or Durbin fail to teach or suggest the invention as now claimed in independent claim 1. Furthermore, Applicant submits that once he has taught his innovative method of providing media to a plurality of in-room systems, such method may, by hindsight, seem to be obvious to one having ordinary skill in the art. However, when viewed as of the time Applicant's invention

was made, and without the benefit of Applicant's own disclosure, there is nothing in the art of record which realistically suggests Applicant's inventive approach. Accordingly, Applicant requests that the rejections under 35 U.S.C. §103, with respect to amended independent claim 1 and dependent claims 2 -9, 11, 14, 19 and 20 be reconsidered.

Allowable Subject Matter

The Examiner indicated that claims 28 and 29 are allowed. Claim 18 has been amended to depend from claim 28 while claims 24-26 have been amended to depend from claim 29. In view of their dependency on allowable claims, Applicant submits that claims 18 and 24-26 are also in condition for allowance.

CONCLUSION

Applicant has made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. In view of the foregoing discussions, it is believed obvious that, within the scope of the disclosures of the cited references, no teaching or suggestion of Applicant's invention is to be found without extensive modification and the exercise of inventive talent. Therefore, reconsideration and allowance of Applicant's claims 1-9, 11, 14, 18-20 and 24-26 are believed to be in order, and an early Notice of Allowance to this effect, along with a reiteration of the allowance of claims 28 and 29, is earnestly solicited.

Respectfully submitted,
FULWIDER PATTON LEE & UTECHT, LLP

David S. Sarisky
Registration No. 41,288

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: 310-824-5555
Facsimile: 310-824-9696
[194202.1]